

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CHRISTOPHER M. DEVINE,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-12186-NG
)	
STOP AND SHOP COMPANIES,)	
)	
Defendant.)	
)	

DEFENDANT’S MOTION FOR TERMINATING SANCTIONS

Pursuant to Fed.R.Civ.P. 41(b), the Defendant, the Stop and Shop Supermarket Company LLC (“Defendant” or “Stop and Shop”), respectfully moves this Court to dismiss Plaintiff Christopher M. Devine’s (“Plaintiff” or “Devine”) claims against it in their entirety based upon Devine’s failure to attend the court-ordered mediation in the above-captioned action. In support of the instant motion, Defendant respectfully refers the Court to its accompanying Affidavit and its Memorandum of Law in support hereof. Specifically, Defendant requests that this Court:

- A. Dismiss Plaintiff’s claims in their entirety, with prejudice;
- B. Grant such other and further relief as this Court deems proper and just.

WHEREFORE, Stop and Shop respectfully requests that the Court grant its Motion for Terminating Sanctions and dismiss the above-captioned action in its entirety.

Respectfully submitted,
THE STOP AND SHOP SUPERMARKET
COMPANY LLC
By its Attorney,

/s/ Daniel B Klein

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DATED: December 4, 2006

CERTIFICATE OF SERVICE

I, Daniel B. Klein, hereby certify that on this 4th day of December, 2006, a true copy of the foregoing document was served by first-class mail upon the Plaintiff, Christopher M. Devine, 6 Morgan Road, Mansfield, MA 02048.

/s/ Daniel B. Klein

Daniel B. Klein